

**United States Court of Appeals**  
**FOR THE EIGHTH CIRCUIT**

---

No. 03-2247

---

United States of America,

Appellee,

v.

Eddie Johnson, also known as  
Eddie Muldrew, also known as  
Eddie Mudrew,

Appellant.

\*  
\*  
\*  
\* Appeal from the United States  
\* District Court for the  
\* District of Nebraska.  
\*  
\* [UNPUBLISHED]  
\*  
\*  
\*

---

Submitted: January 7, 2004

Filed: January 15, 2004

---

Before BYE, BOWMAN, and MELLOY, Circuit Judges.

---

PER CURIAM.

Eddie Johnson pleaded guilty to conspiring to distribute and possess with intent to distribute 50 grams or more of a mixture or substance containing cocaine base, in violation of 21 U.S.C. §§ 841(a)(1), 841(b)(1)(A)(iii), and 846 and 18 U.S.C. § 2.

The district court<sup>1</sup> sentenced him to 121 months imprisonment and 5 years supervised release. On appeal Johnson's counsel has moved to withdraw and filed a brief under Anders v. California, 386 U.S. 738 (1967), arguing that the sentence is too long.

We reject this argument, because the sentence is within both the statutory range and the applicable Sentencing Guidelines range, and Johnson agreed in a written plea agreement that his prison term would be at least 121 months. See 21 U.S.C. § 841(b)(1)(A)(iii) (penalty of 10 years to life imprisonment); United States v. Smotherman, 326 F.3d 988, 989 (8th Cir.) (per curiam) (district court's exercise of discretion in setting defendant's sentence within properly determined Guidelines range is nonreviewable), cert. denied, 124 S. Ct. 293 (2003); United States v. Nguyen, 46 F.3d 781, 783 (8th Cir. 1995) (defendant who voluntarily subjects himself to specific sentence may not challenge that punishment on appeal).

Upon careful review of the record, we find no other nonfrivolous issues. See Penson v. Ohio, 488 U.S. 75, 80 (1988). Accordingly we affirm, and we grant counsel's motion to withdraw.

---

---

<sup>1</sup>The Honorable Richard G. Kopf, Chief Judge, United States District Court for the District of Nebraska.